

REMARKS

Claims 1-26 are pending in this application. By way of this Amendment, claims 1-20 have been amended and claims 21-26 have been newly added. Claims 1, 9, and 17-20 have been amended to clarify the claimed invention. Support for these amendments can be found, for example, from page 10, line 27 to page 11, line 25 of the specification as filed. Also, claims 1-20 have been amended to correct minor informalities. Newly added claims 21-26 find support, for example, at page 11, lines 22-25 of the specification as filed. Thus, no new matter has been added by way of this Amendment and entry of the amendments is respectfully requested.

Rejections under 35 U.S.C. § 112

Claims 1-20 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. By way of this Amendment, independent claims 1, 9, and 17-20 have been amended to clarify the meaning of “predetermined first condition” and “predetermined second condition.” Furthermore, “first condition” and “second condition” have been replaced throughout the claims with “predetermined first condition” and “predetermined second condition,” respectively. It is now clear what these phrases refer to. Accordingly, withdrawal of the 35 U.S.C. § 112 rejections of claims 1-20 is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 1-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No.

6,009,402 (“Whitworth”). As mentioned above, the independent claims have been amended to clarify the invention. Specifically, claim 1 now recites, in part:

a first probability calculation unit for calculating a probability that a part of said plurality of said risk factors satisfy a predetermined first condition *related to profit and loss*, and a probability that a remaining part of said plurality of said risk factors satisfy a predetermined condition *related to profit and loss...* (emphasis added).

Claims 9 and 17-20 recite similar features as amended. Nowhere in Whitworth is the above feature disclosed. In particular, the claimed use of “a predetermined first condition related to profit and loss” and “a predetermined second condition related to profit and loss” are not found in Whitworth. These claimed features are clearly distinguishable from, for example, the condition that “the data profiles already existed in the database” and the condition that “no data profiles existed in the database,” which the Examiner pointed to as being used in the Grouping calculation and Regression calculation of Whitworth (10/08/2008 Office Action, p. 3). For at least the reason that the above features are not disclosed, claims 1, 9, and 17-20, as well as their dependent claims, are patentable over Whitworth. Accordingly, withdrawal of the 35 U.S.C. § 102(b) rejections of claims 1-20 is respectfully requested.

Newly Added Claims

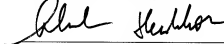
Claims 21-26 have been newly added by way of this Amendment, as mentioned above. Support for the features of these claims can be found, for example, at page 11, lines 22-25 of the

specification as filed. At least by virtue of their dependence from the independent claims, claims 21-26 are patentable.

Conclusion

Applicant believes this Amendment is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below.

Respectfully submitted,
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A handwritten signature in black ink, appearing to read 'Abraham Herskovitz', is written over a horizontal line.

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